

Chapter 13

JUNK, JUNKYARDS, SECONDHAND DEALERS*

* **Cross References:** Garbage, refuse and litter, Ch. 10; licenses and business regulations, Ch. 15; rates, charges and fees, Ch. 21.

State Law References: Licensing and regulation of secondhand and junk dealers, M.S.A., §§ 19.711--19.718, 19.740(1)--(6); penalty for violation, § 19.718.

Art. I. In General, §§ 13-1--13-20

Art. II. Abandoned, Junked, Dismantled, Etc. Motor Vehicles, §§ 13-21--13-26

ARTICLE I.

IN GENERAL

Sec. 13-1. Secondhand, junk dealer--Defined.

Any person, engaged in the business of purchasing, selling, exchanging, storing, or receiving secondhand articles of any kind, cast iron old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures, is hereby defined to be a secondhand dealer or junk dealer. However, used car dealers are not included in this definition.

Sec. 13-2. Same--License required.

No person shall carry on the business of dealer in secondhand goods or junk dealer in the city without having first obtained a license therefor pursuant to chapter 15 of this Code.

Cross References: Licenses and business regulations, Ch. 15; secondhand, junk dealer's license fee, § 21-38.

Sec. 13-3. Same--License issuance; place of business.

Each secondhand or junk dealer's license issued shall designate the particular place in the city where the licensee, shall carry on such business. No person shall carry on such business in any place in the city other than the place designated in such license. For persons who do not have a regular place of business, a license may be issued to carry on the business of secondhand dealer or junk dealer either by horse and wagon, automobile or truck, or by pack.

Sec. 13-4. Sign stating name, occupation to be posted.

Each secondhand or junk dealer shall post in a conspicuous place in or upon his shop, store, wagon, automobile, truck or other place of business, a sign having his name and occupation legibly inscribed thereon.

Sec. 13-5. Junkyards, scrap heaps to be fenced.

Every tract of land upon which a junkyard business or scrap heap shall be conducted shall be surrounded completely on all sides by a continuous and solid fence, constructed of bricks, blocks, wood or other composition of sufficient durability and composition so that such fence shall completely obstruct and hide from view any part or parcel of land upon which such junkyard business or scrap heap is being conducted and operated. Such fence shall be at least eight (8) feet in height and shall be set back at least five (5) feet from the private property line of all sides of any such premises.

All such fences shall be completely painted and kept in good repair. This section shall apply to all junkyard and scrap heap businesses, including those already established.

Sec. 13-6. Placement of scrap heaps.

No scrap heaps of any material listed in section 13-1 shall be permitted to be placed or stand upon any portion of such premises between the private property line and the fence required by section 13-5, even though any such placement would be only temporary. No such material shall be allowed to be placed or stand upon any part or parcel of the public highway right-of-way abutting upon any such premises, even though such placement might be temporary.

Sec. 13-7. Preventing junk from falling on street.

No dealer in secondhand goods or junk, or junk peddler, or any agent or employee of such a dealer or peddler, shall load or drive any vehicle carrying secondhand goods or junk upon any street in such a manner that, by reason of the loading or manner of driving such vehicle, any junk or other article being hauled by such vehicle shall fall upon the street.

Cross References: Streets and sidewalks, Ch. 22; traffic, Ch. 24.

Sec. 13-8. Record of purchases, sales to be kept.

Each secondhand or junk dealer shall keep a separate book open to inspection by members of a police force in which shall be written in the English language at the time of the purchase or exchange of all articles, a description thereof, the name, description and residence of the person from whom the same was purchased and received, and the day and hour when such purchase or exchange was made. Each entry shall be numbered consecutively, commencing with number one.

Sec. 13-9. Purchase from minors under sixteen.

No dealer in secondhand goods or junk, or junk peddler, shall purchase secondhand goods or junk from any minor under the age of sixteen (16) years without first having obtained the written consent of a parent or guardian of such minor.

Sec. 13-10. Dealer to give vendor statement.

No dealer in secondhand goods or junk, or junk peddler, shall purchase secondhand goods or junk from any person without giving such person a written or printed statement setting forth the date, the name and address of the dealer or peddler and his dealer's license number, together with the description, weight and quantity of goods purchased and the amount paid therefor.

Secs. 13-11--13-20. Reserved.

ARTICLE II.

ABANDONED, JUNKED, DISMANTLED, ETC. MOTOR VEHICLES*

* **Editors Note:** Ord. No. 743, §§ 1--6, adopted Dec. 22, 1969, was enacted as amending the provisions from which Art. II is derived. The effect of said amendment was to broaden the scope of the article by adding "abandoned and inoperable vehicles" to the provisions already established for dismantled, etc. vehicles and to broaden the scope of provisions codified as § 13-24 relative to storage in certain areas.

Sec. 13-21. Definitions.

Abandoned vehicles are hereby defined as motor vehicles left unattended on public property or on private property and not having a valid license.

Dismantled or partially dismantled motor vehicles are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

Dwelling is any house, building, structure, tent, shelter, trailer or vehicle or portion thereof which is occupied in whole or in part as the home, residence, living or sleeping place, or which is intended to be occupied by one or more human beings either permanently or transiently.

Inoperable vehicles are hereby defined as vehicles that do not meet these minimum conditions: an engine that runs, four (4) wheels and four (4) pneumatic tires capable of holding air and a working battery, or that is not eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Act 300 of 1949.

Motor vehicles are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled, not operating on rails.
(Ord. No. 743, § 3, 12-22-69)

Editors Note: The words, terms and phrases defined in § 13-21 have been alphabetized by the editors to facilitate reference and use.

Sec. 13-22. Construction of article.

This article shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, or junk, but shall be construed as supplementary to any such ordinance as well as any statutes of the State of Michigan relating thereto.
(Ord. No. 743, § 4, 12-22-69)

Sec. 13-23. Penalty for violation.

Any person, firm or corporation who shall violate or assist in the violation of any provision of this article shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for a period of not exceeding ninety (90) days, or both such fine and

imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this article.

(Ord. No. 743, § 6, 12-22-69)

Cross References: General penalty for violation of Code, § 1-11.

Sec. 13-24. Storage of abandoned, inoperable, dismantled or partially dismantled motor vehicles or parts thereof regulated.

It is hereby declared to be unlawful for any person, firm or corporation to store on, place on or permit to be stored or placed on or allowed to remain on any city street or public right-of-way or on any platted or unplatted parcel of land an abandoned, inoperable, dismantled or partially dismantled motor vehicle or any parts of a motor vehicle, which platted or unplatted parcel of land is located in a Residential "A-1", Residential "A-2", Residential "B", Residential "C", Residential "D", Residential "D-2", Agricultural, Office Service-1, Office, Service-2, Business "A" and Business "B-1" District as set forth by the terms and the provisions of the Zoning Ordinance of the City of Midland being Ordinance No. 727 as now or hereafter amended, or upon which parcel of land there is a structure used in whole or in part as a dwelling, unless said abandoned, inoperable, dismantled or partially dismantled motor vehicle or parts of a motor vehicle shall be kept in a wholly enclosed garage or other wholly enclosed structure; provided, however, that any bona fide owner, co-owner, tenant or co-tenant may store, permit to be stored or allow to remain on the premises of which he is the owner, co-owner, tenant or co-tenant of any such abandoned, inoperable, dismantled or partially dismantled motor vehicle, for a period of not to exceed fourteen (14) days of such motor vehicle is registered in his, her or its name and provided further that any such owner, co-owner, tenant or co-tenant may in the event of hardship, upon payment of the fee hereinafter provided, secure a permit from the building inspector of the City of Midland to extend such period of fourteen (14) days for an additional period of not to exceed fourteen (14) days for any one such abandoned, inoperable, dismantled or partially dismantled motor vehicle if such motor vehicle is registered in his, her or its name; provided further, this article shall not be construed to permit parking or placing of abandoned, inoperable, dismantled or partially dismantled vehicles on any street area in the city or in any front yard, as now or here after defined by the Zoning Ordinance of the City of Midland.

(Ord. No. 743, § 1, 12-22-69)

Sec. 13-25. Issuance of permit; fee.

Upon application duly made by the registered owner of a motor vehicle and upon showing of hardship, the building inspector of the City of Midland is hereby authorized to issue the permits provided for in section 13-24 hereof. A fee of one dollar (\$1.00) for each such permit issued shall be collected and shall be paid into the general fund.

(Ord. No. 743, § 2, 12-22-69)

Cross References: Similar provisions, § 21-39.

Sec. 13-26. Violation of article declared nuisance.

The presence of an abandoned, inoperable, dismantled or partially dismantled motor vehicle or parts of a motor vehicle on any street or public right-of-way or any platted or unplatted parcel of land in violation of the terms of this article is hereby declared to be a public nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

(Ord. No. 743, § 5, 12-22-69)